

Attorney's Docket No. 0273-0004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: SCHAEFFER, Dirk Johannes; KLEMT, Christof; STARK, Gerhard Björn; and FRIEDL, Hans-Peter

For: Biological Joint Construct

the specification of which: (check and complete (a), (b) or (c).

- (a) ☒ is attached hereto.
(b) ☐ was filed on _____
as Application Serial No. _____ and
was amended on _____
(if applicable).
(c) ☐ was described and claimed in International Application
No. _____ filed on _____
and as amended on _____ (if any).

DECLARATION OF FACTS BY ATTORNEY FOR
INVENTOR THAT CANNOT BE LOCATED

1. I, Shelly Guest Cermak
(type or print name of attorney)

am the attorney for the applicants in this case and declare that I have been informed that the omitted joint inventor

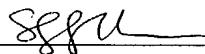
Hans-Peter FRIEDL

cannot be located as of the current deadline date December 8, 2001 and that no new forwarding address has yet been identified.

2. In order to comply with the provisions of 37 CFR 1.47(A) in light of MPEP 409.03(c) the declaration form has been executed by all remaining joint inventors, as well as the Assignment document.

3. In the event that the location of the missing inventor can be ascertained at a later date, a supplemental declaration bearing their signature will be submitted in due course.

Respectfully submitted,


Shelly Guest Cermak
Reg. No. 39,571

Date: 12-10-01

SHANKS & HERBERT
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COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.
I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Biological Joint Construct the specification of which:

☒ is attached hereto.
☐ was filed on _____
 as United States Application Number _____
 or PCT International Application Number _____
 and was amended on _____
 (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
<u>199 26 083 4</u>	<u>Germany</u>	<u>08-June-1999</u>	<u>X</u>	<u> </u>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<u>PCT/EP00/05313</u>	<u>PCT (WO)</u>	<u>08-June-2000</u>	<u>X</u>	<u> </u>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below

<u>(Application Number)</u>	<u>Filing Date</u>
<u> </u>	<u> </u>

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Application Number)</u>	<u>Filing Date</u>	<u>(Status – patented, pending, abandoned)</u>
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The undersigned hereby authorizes the U.S. Attorneys named herein to accept and follow instructions from undersigned's assignee, if any, and/or, if the undersigned is not a resident of the United States, the undersigned's domestic attorney, patent attorney or patent agent, as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the undersigned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

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Full Name of Third/Joint Inventor: Gerhard Björn STARK

Inventor's Signature:

Date: 11/21/01

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Citizenship: Germany

(Country)

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Full Name of Fourth/Joint Inventor: Hans-Peter FRIEDL

Inventor's Signature:

Date: _____

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(City, State)

Citizenship: Germany

(Country)

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